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PTO/SB/05 (2/98)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No. 0609.1990009/MAC

First Inventor or Application Identifier Joel F. HABENER

Title Insulinotropic Hormone GLP-1(7-36) and Uses Thereof

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ * Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)

2. ☒ Specification [Total Pages 64]

- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 18]

4. ☒ Oath or Declaration [Total Pages 3]

a. ☐ Newly executed (original or copy)

b. ☒ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 17 completed)
[Note Box 5 below]

i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR §§ 1.63(d)(2) and 1.33(b).

5. ☒ Incorporation By Reference (useable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)

7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

a. ☐ Computer Readable Copy

b. ☐ Paper Copy (identical to computer copy)

c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))

9. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney

10. ☐ English Translation Document (if applicable)

11. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations

12. ☒ Preliminary Amendment

13. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

14. ☐ *Small Entity Statement(s) (PTO/SB/09-12) ☐ Statement filed in prior application, Status still proper and desired

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)

16. ☒ Other: 37 C.F.R. § 1.136(a)(3) Authorization

☒ Other: Letter to PTO Draftsman: Submission of Formal Drawings; and 17 sheets of formal drawings: (Figures 1, 2, 3, 4, 5, 6, 7, 7A, 8, 8A, 9, 9A, 10, 10A-C, 11, 12, 13, 14, 14A, 15 and 16).

*NOTE FOR ITEMS 1 & 14: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☒ Continuation

☐ Divisional

☐ Continuation-in-Part (CIP) of prior application No: 09/090,949

Prior application information: Examiner N. Minnifield

Group/Art Unit: 1645

18. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence address below

NAME	STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.				
	Attorneys at Law				
ADDRESS	Suite 600, 1100 New York Avenue, N.W.				
CITY	Washington	STATE	DC	ZIP CODE	20005-3934
COUNTRY	USA	TELEPHONE	(202) 371-2600	FAX	(202) 371-2540

NAME (Print/Type)	Michele A. Cimbalà	Registration No. (Attorney/Agent)	33,851
SIGNATURE	<i>Michele A. Cimbalà</i>	Date	Aug 10, 2000

Burden Hour Statement: this form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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FEE TRANSMITTAL

for FY 2000

Patent fees are subject to annual revision.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

See 37 C.F.R. §§ 1.27 and 1.28.

Complete if Known

Application Number	To be assigned
Filing Date	Herewith
First Named Inventor	Joel F. HABENEM
Examiner Name	To be assigned
Group / Art Unit	To be assigned
Attorney Docket Number	0609.1090009/MAS

TOTAL AMOUNT OF PAYMENT

(\$)690.00

METHOD OF PAYMENT (check one)

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number

19-0036

Deposit Account Name

Sterne, Kessler, Goldstein & Fox P.L.L.C.

☐ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

- 2.
- ☒
- Payment Enclosed:
- ☒
- Check
- ☐
- Money Order
- ☒
- Other*
-
- *Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

FEE CALCULATION**1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	690	201	345	Utility filing fee	\$690.00
106	310	206	155	Design filing fee	
107	480	207	240	Plant filing fee	
108	690	208	334	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1)					(\$) 690.00

2. EXTRA CLAIM FEES

Total Claims	Extra	Fee from below	Fee Paid
12 - 20** = 0	X	18	= 0
Indep. Claims 3 - 3** = 0	X	78	= 0
Multiple Dependent			=

** or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	78	202	39	Independent claims in excess of 3
104	260	204	130	Multiple dependent claim
108	78	209	39	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	380	216	190	Extension for reply within second month	
117	870	217	435	Extension for reply within third month	
118	1,360	218	680	Extension for reply within fourth month	
128	1,850	228	925	Extension for reply within fifth month	
119	300	219	150	Notice of Appeal	
120	300	220	150	Filing a brief in support of an appeal	
121	260	221	130	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,210	241	605	Petition to revive - unintentional	
142	1,210	242	605	Utility issue fee (or reissue)	
143	430	243	215	Design issue fee	
144	580	244	290	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	690	246	345	Filing a submission after final rejection (37 CFR 1.129(a))	690.00
149	690	249	345	For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (specify):

Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 690.00

SUBMITTED BY

Typed or Printed Name	Michele A. Cimbalà	Complete (if applicable)	
Signature	<i>Michele A. Cimbalà</i>	Reg. Number	33,851
Date	Aug 10, 2000	Deposit Acct. User ID	

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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SKGF Rev. 5/11/00 mac

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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**REGISTERED PATENT AGENTS

August 10, 2000

WRITER'S DIRECT NUMBER:
(202) 371-2544

INTERNET ADDRESS:
mcimbala@skgf.com

Commissioner for Patents
Washington, D.C. 20231

Box Patent Application

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)
(Continuation of Appl. No. 09/090,949; Filed: June 5, 1998)
Appl. No. To be assigned; Filed: Herewith
For: **Insulinotropic Hormone GLP-1(7-36) and Uses Thereof**
Inventors: Joel F. HABENER
Our Ref: 0609.1090009/MAC

Sir:

The following documents are forwarded herewith for appropriate action by the U.S.
Patent and Trademark Office:

1. PTO Fee Transmittal (Form PTO/SB/17) (*in duplicate*);
2. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
3. U.S. Utility Patent Application entitled:
Insulinotropic Hormone GLP-1(7-36) and Uses Thereof
and naming as inventor:
Joel F. HABENER
the application consisting of:
 - a. A specification containing:
 - i. 59 pages of description prior to the claims;



Commissioner for Patents

August 10, 2000

Page 2

- ii. 4 pages of claims (12 claims);
- iii. a one (1) page abstract;
- b. 18 sheets of informal drawings: (Figures 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14A, 14B, 15, and 16);
- c. A copy of the executed Declaration, as filed in U.S. Appl. No. 07/756,215;
4. Preliminary Amendment;
5. Letter to PTO Draftsman: Submission of Formal Drawings (*in duplicate*);
6. 17 sheets of formal drawings: (Figures 1, 2, 3, 4, 5, 6, 7, 7A, 8, 8A, 9, 9A, 10, 10A-C, 11, 12, 13, 14, 14A, 15 and 16), approval of which is respectfully requested;
7. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3) (*in duplicate*);
8. Two (2) return postcards; and
9. Our check no. 28339 for \$690.00 to cover the filing fee for patent application.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Michele A. Cimballa
Attorney for Applicant
Registration No. 33,851

MAC/eak

Enclosures

P:\USERS\EAKEANE\BIO\0609\1090009\cvltr.1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Joel F. Habener

Appl. No. To be assigned (the
accompanying continuation of 09/090,949)

Filed: Herewith

For: **Insulinotropic Hormone GLP-1(7-
36) Thereof**

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 0609.1090009/MAC

Letter to PTO Draftsman: Submission of Formal Drawings

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith are 17 sheets of formal drawings with Figures 1, 2, 3, 4, 5, 6, 7, 7A, 8, 8A, 9, 9A, 10, 10A-C, 11, 12, 13, 14, 14A, 15 and 16, corresponding to the informal drawings submitted with the above-captioned application. The application number, group art unit and attorney docket number appear on the back of each sheet. Acknowledgment of the receipt, approval, and entry of these formal drawing(s) into this application is respectfully requested.

It is not believed that an extension of time is required, other than any already provided herewith. However, if an extension of time is needed to prevent abandonment of the application, then such extension of time is hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this Letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Michele A. Cimbala

Michele A. Cimbala
Attorney for Applicant
Registration No. 33,851

Date: Aug. 10, 2000
1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JCS11 U.S. PTO
09/635679
08/10/00

In re application of:

Joel F. HABENER

Appl. No. To be assigned
(The accompanying continuation of U.S.
Appl. No. 09/090,949; Filed: June 5, 1998)

Filed: Herewith

For: **Insulinotropic Hormone GLP-1
(7-36) and Uses Thereof**

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 0609.1090009/MAC

**Authorization To Treat A Reply As Incorporating An Extension Of Time
Under 37 C.F.R. § 1.136(a)(3)**

Commissioner for Patents
Washington, D.C. 20231

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Michele A. Cimballa

Michele A. Cimballa
Attorney for Applicant
Registration No. 33,851

Date: Aug. 10, 2000
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